

QUESTIONS AND RESPONSES ASSOCIATED WITH
THE ISOO CONFERENCE ON
WEDNESDAY, 15 DECEMBER 1982

1. Q: What is "intelligence"?

R: As indicated in the preamble and sections 1.1 and 2.1 of Executive Order 12333, "intelligence" is information about the activities, capabilities, plans, and intentions of foreign powers, organizations, persons, or their agents, essential to the conduct of the foreign relations or national defense of the United States, or to the protection of United States national interests from foreign security threats.

2. Q: What are "intelligence activities"?

R: As indicated in sections 1.4 and 3.4(e) of Executive Order 12333, "intelligence activities" include the activities of Intelligence Community agencies related to collection of information needed by the President, the National Security Council, the Secretaries of State and Defense, and other Executive Branch officials for the performance of their duties and responsibilities; production and dissemination of intelligence; collection of information concerning, and the conduct of activities to protect against, intelligence activities directed against the United States, international terrorist and international narcotics activities, and other hostile activities directed against the United States by foreign powers, organizations, persons, and their agents; special activities; administrative and support activities within the United States and abroad necessary for the performance of authorized activities; and such other intelligence activities as the President may direct from time to time.

3. Q: What is a "special intelligence activity"?

R: The term "special intelligence activity" does not appear in Executive Order 12356. The term "special activities," which does appear in Executive Order 12356, is defined in section 3.4(h) of Executive Order 12333 as meaning activities conducted in support of national foreign policy objectives abroad which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but which are not intended to influence United States political processes, public opinion, policies, or media and do not include diplomatic activities or the collection and production of intelligence or related support functions.

4. Q: What is the difference between "an intelligence source or method" and an "intelligence activity" as it pertains to the presumption of classifiability of the former?

R: Intelligence activities may be viewed as a totality of effort in which intelligence sources or methods may be employed.

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- A. Q: How does an agency respond to an FOIA or mandatory review request in a situation in which the agency feels that the information concerning the existence or non-existence of the requested document is itself classified?
- R: The response is that the agency can neither confirm nor deny the existence or non-existence of the requested document. This response is made in cases where the fact of the existence or non-existence of the document is classifiable under the provisions of Executive Order 12356.
- B. Q: What happens if such a request is received by an agency that did not originate the requested information?
- R: Documents responsive to an FOIA or mandatory review request that were originated by another agency are referred to that agency for a determination as to whether the information should be withheld under the provisions of the FOIA or Executive Order 12356.
- C. Q: What controls exist to prevent the overuse of the "neither confirm nor deny" response?
- R: This response is used only when the fact of the existence or non-existence of the requested information is classifiable in accordance with the provisions of Executive Order 12356.

TRANSMITTAL SLIP		DATE 14 December 1982
TO: C/CRD		
ROOM NO. 322	BUILDING Ames	
REMARKS:		
<p>Attached are the answers provided to ISOO 14 December 1982 on a non-attributable basis.</p> <p><i>Hank</i> <u><i>ME</i></u> <i>Jim E</i> <u><i>JE</i></u> <i>Dick</i> <u><i>RA</i></u></p> <p><i>Barb C - file Liaison/ISOO</i></p>		
FROM:		
ROOM NO. 1236	BUILDING Ames	EXTENSION <div></div>

FORM NO. 241
1 FEB 55

REPLACES FORM 36-8
WHICH MAY BE USED.

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